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Attorney for Plaintiff Hooker

## DISTRICT OF OREGON MEDFORD DIVISION

HOOKER,	Case No.: 10-CV-03111-PA
Plaintiffs, vs. NORTHWEST TRUSTEE SERVICES, INC.; BANK OF AMERICA, NA; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. Defendants.	) ) MEMORANDUM IN SUPPORT FOR AN ) AWARD OF ATTORNEYS' FEES ) FOR PLAINTIFF ) ) ) )
STATE OF OREGON)	
) ss. County of Jackson )	

1. Plaintiff has moved the court for an award of attorney fees in this action. Plaintiff is entitled to an award of attorney fees pursuant to: the deed of trust, the promissory note and the Order of the Honorable Owen M. Panner dated May 25, 2011.

The attorney's fees are based upon the provisions of the deed of trust and the promissory note.

 Plaintiff is entitled to an award of attorney's fees. Paragraph 22 of the deed of trust and paragraph 7 of the promissory note set forth attorney's fees. ORS 20.096 sets forth the reciprocity of attorney's fees and costs in a proceeding to enforce the contract. Here, defendants attempted to enforce the contract by foreclosure by advertisement and sale. As such, plaintiffs are entitled to reasonable attorney's fees incurred herein.

- 3. Plaintiff requests an award of \$4,280.00 in attorney fees. As the declarations filed in support of this motion demonstrate, the requested amount is reasonable and supported by the record in this action. The attorney's rate is \$200 per hour. This is well within the norms set forth on the Oregon State Bar's economic survey.
- 4. In view of the arguments and authorities set forth above, plaintiff is entitled to an award of not less than \$4,280.00 in attorney fees.

JAMES & STOUT, P.C.

OSB 476. 93473 541-628-8888

Attorney for Plaintiff

## **CERTIFICATE OF SERVICE**

Case No. 10-CV-03111-PA

I, James J. Stout, hereby certify that I served the foregoing Memorandum in Support of Plaintiff's Motion for An Award of Attorneys' Fees on Monday, June 06, 2011, via first class mail to:

John M. Thomas Routh Crabtree Olson, PC 11830 SW. Kerr Pkwy., Suite 385 Lake Oswego, OR 97035 Attorney for Defendant NWTS

Stephen P. McCarthy
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Monday, June 06, 2011

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